

Townley, in Cell, Accused As Embezzler

Nonpartisan League Head To Be Arrested, When He Completes Sentence, on a Warrant Issued at Fargo

Former Banker Missing

Hastings, Held in the West on Similar Charge, Involving \$3,000 Loan, Flees

SPECIAL DISPATCH TO THE TRIBUNE
FARGO, N. D., Jan. 27.—A. C. Townley, president of the National Nonpartisan League, was arrested here today on a warrant issued at Fargo, Minn., charging him with embezzlement from the Scandinavian-American Bank of Fargo.

The warrant for Townley will be served on him when he completes his term of ninety days in the Minnesota State Prison at St. James, Minn., next Tuesday on the completion of a term of ninety days imposed for discouraging enlistments in the army, a charge that he was found guilty of under a Minnesota law several years ago, and from which he appealed, with the effect that he only began serving the sentence in November last.

Hastings, who was at Seattle, Wash., when the warrant for his arrest was issued, has disappeared. He obtained his temporary release from Seattle officials, and is believed to have fled to the west.

The charge against Townley grows out of the same transaction of which Hastings has been accused. Hastings was vice-president of the Scandinavian-American Bank, a Nonpartisan League-controlled private bank, at the time the state charges were negotiated. He loaned himself \$3,000 in the name of the United States Trust, with himself as trustee.

Transaction's Legality Attacked

The state charges that at that time there was no corporation by that name, and further, that as an officer of the bank he was without authority to make the transaction without the sanction of the regular examining board of the bank.

Arthur Le Sueur, himself a former member of the Nonpartisan League and for several years closely identified with Townley and other league officials, is adding the state officials, who are conducting the investigation that led to the issuance of the warrant for Townley's arrest.

These actions against Townley and Hastings result directly from the fact that last October the former Nonpartisan League-backed state officials were ousted in a recall election, and the state officials were seated in their stead.

An inquiry into the condition of state institutions has proceeded since then, the inquiry being extended also to several private corporations which have become closely affiliated with the bank of North Dakota, a state-owned bank. The investigation of certain banks now in the hands of a receiver, came in this classification.

ST. PAUL, Jan. 27.—"Political persecution" planned by A. C. Townley for the warrant issued in Fargo for his arrest in connection with the embezzlement charge brought against a former official of the Scandinavian-American Bank, was the subject of a letter from his cell in the Jackson, Minn., jail today.

From his cell in the Jackson, Minn., jail today, he told the Associated Press by long-distance telephone today that he had "absolutely nothing" to do with the alleged embezzlement. He said he had no knowledge of the loan involved in the embezzlement charge.

Two Detectives Arrested On New Beating Charge

Detectives James Steel and William Dempsey, both attached to the Parkville police station, Brooklyn, surrendered today in anticipation of the service of warrants for their arrest, issued by Magistrate Reynolds. The detectives are charged with felonious assault.

Attorneys representing the detectives asked a continuance of the case in order that evidence might be obtained in their defense. The warrants were issued by Magistrate Reynolds after a hearing at which the detectives were examined by the state.

The case against Thomas Raffale, of 84 Fourth place, Brooklyn, who appeared in court today, charged by Steel and Dempsey on a short affidavit with engaging in a hold-up and robbery of Morris Barn, 561 Conely Island Avenue, a druggist.

A complaint against Raffale, who had a face and head were swollen in bandages and his body was covered with bruises. Questioned by the magistrate, Raffale said he had been beaten by a blackjack in Parkville police station by the two detectives.

In a preliminary hearing Thursday Raffale said Steel had been under the influence of intoxicants when the beating took place in Parkville station. Yesterday when re-examined he withdrew the statement, explaining that he had no reason for supposing Steel to have been intoxicated other than that he had not believed the attack would have been made had the detective been sober.

Neither Steel nor Dempsey would make a statement when arraigned before Magistrate Reynolds. Both declared they would produce evidence on hearing of the case against them February 2 which would prove their innocence.

Patrolman Soden Indicted As Slayer of Man in Bar

Patrolman John P. Soden, accused of shooting and killing a citizen in a saloon on January 26, was indicted by the grand jury on a charge of first degree murder yesterday, and arraigned before Judge McIntyre in General Sessions. He was remanded to the Tombs for pleading next Tuesday.

Soden is charged with the murder of John McGuinness, a laborer, who was shot to death in a saloon on 60 North Avenue. The court assigned ex-Judge Morris Koenig and J. H. Gilbert as counsel for the defense.

Boddy's Friend Tries to Kill Policeman; Fails

Defective Cartridge Saves Captain's Life When Negro Is Caught in Dark Alleyway

Patrolman Jacob Greenberg barely escaped with his life yesterday when he went into a dark hallway of a tenement house at 133d Street and Seventh Avenue in pursuit of Robert Jackson, a negro, who says he is a friend of Luther Boddy.

Jackson was arrested on complaint of Louise Coleman, of 70 West 133d Street, who told Greenberg that the negro had entered her home yesterday afternoon, held up her and several of her friends at the point of a revolver and escaped with their jewelry.

Miss Coleman later saw Jackson on 133d Street near Seventh Avenue. She screamed and Jackson ran. Greenberg ran after him and followed him into a hallway. In the darkness the patrolman heard a voice say, "Now I've got him." He felt a revolver pressed against his stomach. There was a click as the hammer of the weapon fell on a faulty shell. Before Jackson could pull the trigger a second time Greenberg hit him on the head with a club and removed him to the West 135th Street police station.

When he was arraigned before Magistrate Reynolds in Washington Heights court, Jackson was held without bail on a charge of robbery, felonious assault and violation of the Sullivan law, for examination Monday.

Boddy May Win Mistrial Over New Accuser

On Charge of Embezzlement

The abdomen, one in the neck, one on the left side and one on the right side. My memorandum book stopped the one on the right side and my shield the other. It was then Mr. Koenig moved a mistrial on the ground that the evidence was immaterial, irrelevant and was prejudicial. The motion was overruled, and Rhodes replied to other questions propounded by Mr. Banton revealed that until he saw Boddy in court he had not identified him as his assailant.

New Objection Developed

That was Mr. Koenig's line for another objection. His argument this time was that Buckley and Miller could not have known that Boddy had shot Rhodes and that they had no warrant for his arrest when they took him into custody.

"Even if Boddy did this shooting," said Mr. Koenig, "there is no evidence that Buckley and Miller knew this, and, in fact, they could not have known it. Therefore, his arrest was not justified."

Rhodes had said he had talked with Buckley and Miller while in Harlem Hospital, but he could not say he had told them Boddy was the man who shot him, for the reason, seemingly, that he did not know this until he saw Boddy yesterday.

Mr. Koenig was just about to cross-examine the negro policeman, when Justice Vassarcello ordered an adjournment. Solution of certain puzzling phases of his testimony will, therefore, have to await a resumption of the trial.

After Mr. Koenig pointed out that if Miller and Buckley had known that Boddy had shot Rhodes they could have arrested him legally, justifiably, in escaping from them under such circumstances, Rhodes replied that he was committing a felony, and one who kills while engaged in a felony is guilty of first degree murder.

In cross-examination Boddy's story of the killing of Buckley and Miller and his flight afterward was not shaken appreciably. He maintained solemnly that he remembered nothing about the actual killing.

Detectives Deny Beatings

Among the detectives who took the stand was John J. Scott, of the West 135th Street station. He said he had twice arrested Boddy.

"Did he strike him or beat him?" asked Mr. Koenig.

"No."

"Ever see any of your fellow officers strike or beat him?"

"No."

"If you had seen them strike him would you tell on them?"

"No."

"If a man was beaten by your fellow officers and you were called down here and placed under oath would you tell on them?"

"No."

"That's all," Mr. Koenig smiled at the jury.

"Wait a minute," interposed Justice Vassarcello. He rephrased the question and Detective Scott finally said:

"I'd tell the truth."

Harry J. Bloemfield, formerly of the same station and now assigned to 124th precinct, denied that he had ever struck Boddy or seen him struck.

John Donahue told of arresting Boddy November 1, 1918.

"Did you question him?"

"Yes."

"What about?"

"The whereabouts of a boy named Jackson."

"You were gentle with him?"

"I was."

"Would you admit it under oath if you had not been gentle with him?"

The detective gave a meekly a moment before replying:

"I wouldn't."

"There was a burst of laughter in the courtroom, and as Donahue departed his ears were red."

Reed Bitterly Assails Seating Of Newberry

Missourian Tells the Senate Those Who Cast Vote for Resolution Branded Word 'Dishonor' Over Records

Called Worse Than Pirates

Action Most "Shameless" Ever Adopted in Legislative Body, He Declares

From The Tribune's Washington Bureau
WASHINGTON, Jan. 27.—Speaking in the Senate this afternoon in connection with the bill to fund the foreign debt, Senator Reed, of Missouri, Democratic, made the bitterest attack yet heard on the resolution declaring Senator Newberry entitled to his seat.

Senator Reed addressed himself particularly to the Willis amendment to the resolution, which condemned the large expenditure of money in the Michigan campaign. He called the resolution the most "shameless" ever adopted in a legislative body.

Senator Willis, of Ohio, author of the widely-discussed amendment, sat in the chamber through the attack but did not reply. Senator Reed said he referred to the action in the Newberry case because it showed there was no use submitting any argument to the majority of the Senate.

After referring to the resolution adopted in the Newberry case as condemning the expenditure of money, but commending the result of the election, as "a place in confession and avoidance," Senator Reed said:

"There is not a man who voted for this resolution who did not brand in letters above and across his political record the word 'dishonor.' There is no language human tongue can utter that will adequately express the degradation of that resolution and the self-confessed degradation of those who supported it."

Asks Prayers for Majority

"I wish that the Newberry resolution could be printed in 10,000,000 copies and posted on the footboard of every bed in America, so that every man, woman and child, when they awake in the morning and get through saying their prayers for the rest of creation might invoke Almighty God to forgive them for having voted that resolution."

Reed then voted that the acts done by Newberry were of a kind calculated to endanger the Republic and then voted to ratify his acts and seat him in this body.

"I repeat, and I intend often to repeat in this body—that it is the most stupid piece of business that has ever disgraced any body of men, whether they be pirates or a kind of pirates, a black flag or were doing a kind of piracy, seated in this chamber to protect a great country; for the black flag gentleman at least had a philosophy and was a philosopher."

He said, "We follow still the good old rule, the simple plan that they should take who have the power, and they should keep who can. He made his victims walk the plank, expecting him to walk the plank when he was captured. He did not intend to be anything but a pirate. He ran up his black flag with the skull and crossbones. He ground his saber, he took to the highways as a marauder and a criminal."

In cross-examination Boddy's story of the killing of Buckley and Miller and his flight afterward was not shaken appreciably. He maintained solemnly that he remembered nothing about the actual killing.

"What a miserable, stupid, idiotic thing that was!" The tongue is paralyzed in an effort to describe a thing like that. If he was wrong, why did you not wipe out the effect of the thing that was adopted? You say, 'This thing that crawls and has a forked tongue and crooked teeth and a poisonous serpent. Therefore, we will admit it to the family circle and allow it to strike his folds about the arms of our children.'

"A new word ought to be introduced into our tongue—a word that would describe the sort of thing that has happened—a Newberryism. It will not serve much use, however, because the thing I have described has never happened before and will never happen again. It is a thing that never will appear upon the face of this earth another hundred gentlemen who will write down in cold type that 'the thing is bad, wicked, dangerous to the state, and therefore we do that thing. Therefore, we ratify it, we confirm it, we sanctify it.'"

Miserable, Idiotic, He Says

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Sheriff Asks \$10,000 For Six More Guards

Forced to Assign Six of His Nine to Boddy Trial; Tells of Risk With Small Force

Sheriff Percival A. Nagel appeared before the Finance Committee of the Board of Aldermen yesterday and requested an appropriation of \$10,000 in special revenue bonds for the hiring of six additional guards for prison service. In making his application the Sheriff referred to the trial of Luther Boddy and said that he had been compelled to assign four of his nine guards to that trial.

"I don't want to send out two of my men to guard ten prisoners, as has been the custom," said the Sheriff. "This is a hair to the men themselves. Sometimes a batch of prisoners includes fellows sentenced to long terms of imprisonment. They are desperate characters and would not stop at killing a guard in order to escape. Better precautions should be taken in removing prisoners either to jail or to court."

The Sheriff, who was a major in the World War, declared it is no more safe to handle prisoners on the battlefield than guard criminals being moved from one institution to another in this city.

With two other soldiers I have guarded 300 prisoners during a battle," said the Sheriff. "You couldn't take that chance in New York. There ought to be a guard for every prisoner. Too many of the convicts of to-day are of the killer type."

The committee indicated that they would grant the Sheriff's request.

City Provides A New Vaccine For Pneumonia

Given to Public Dispensaries, If Indicated, by Special Stations for the Administration of Vaccine to Those Who Cannot Afford to Pay Will be Established by the Department of Health

The Commissioner said people were constantly writing and telephoning to find out whether there is any form of injection or medicine which they may take to protect them against influenza and pneumonia. His reply has been, said the Commissioner, that there is no medicine which has proved a protective against these two diseases. No vaccine, he said, has yet proved to be of value as a preventive of influenza, but he said he was not discouraged over the vaccine developed for protection against pneumonia.

The announcement of the vaccine in a sense, constitutes a new policy on the part of the Department of Health. Dr. Copeland has heretofore consistently opposed the employment of this form of safeguard because, as previously developed, it provided insufficient evidence as to its merits. As recently improved, it has been found in actual practice materially to reduce the severity of numerous cases, he said, by setting up a form of "artificial pneumonic infection."

The vaccine has its origin in the sputum of the pneumonia patient. By a scraping and heating process and by diluting the residue in a salt solution the disease bacteria are suspended.

Influenza and pneumonia cases reported last week were 110 and 100, respectively. A decrease yesterday over the previous day, but the number of deaths were somewhat higher. Two hundred for the twenty-four hours ending at 10 o'clock yesterday morning, as compared with 350 cases reported Thursday. Yesterday's new pneumonia cases were 70, influenza 111 on Thursday. Influenza deaths numbered 5, as against three Thursday. Pneumonia deaths reported yesterday were 52, as compared with 46 Thursday.

One hundred and forty-five of yesterday's influenza cases were reported from Manhattan, as were 39 of the pneumonia cases. Brooklyn reported 25 influenza and 10 pneumonia cases. Queens 9 influenza and 14 pneumonia and Richmond 2 influenza cases and 1 pneumonia.

On the same day of the 1918 epidemic 800 influenza cases and 120 pneumonia cases were reported. On a similar date in 1918 there were 45 deaths from influenza and 75 deaths from pneumonia. "It has been very much the same as if we were dealing with a mild form of pneumonia rather than influenza," said the Health Commissioner. "Of course, the same precautionary measures are necessary in combating pneumonia as in the case of influenza. They have been used to ward off influenza attacks. Every one should take the strictest precaution against possible infection from either of the diseases."

Murray is a familiar character in the neighborhood. He is known to practically every old resident as "Grandpa" and is much sought by children as a story teller. Lieutenant James Murray Jr., of the West Sixty-eighth Street station, son of the aged man, was notified of his illness.

'Grandpa' Murray Found Ill

Aged Caretaker of Trinity Cemetery Overcome by Cough

James Murray, ninety years old, of 477 West 143d Street, caretaker of Trinity Cemetery, at Amsterdam Avenue and 150th Street, was found lying insensible near his home at the cemetery entrance yesterday by Patrolman John Reilly, of the West 142d Street police station.

Reilly summoned an ambulance from Columbus Hospital. Dr. Conderas, who accompanied the ambulance, said Murray apparently had been overcome during a fit of coughing. He was removed to the hospital for treatment.

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Stork Interrupts Suit While Woman Testifies

Court Sends Men Scrambling for Auto to Take Witness Home, Where Son Is Born

Justice Cutler interrupted proceedings in the Bergen County Circuit session at Hackensack yesterday with a summons for two men to take a witness home to deliver a child. The men went out and commander the first automobile in sight.

Five minutes later Mrs. Vincenza Ferraro, of Fairview, N. J., who had been testifying in a case on hearing, was on her way home the chauffeur under instructions from the justice to disregard speed regulations. Soon after reaching home Mrs. Ferraro gave birth to a son.

Mrs. Ferraro and her husband, Paul, sued to recover \$10,000 from Joseph Ferraro, of Hackensack, for assault. Mrs. Ferraro was testifying as a cross-examinee by Joseph P. Gardella, an attorney, when Justice Cutler leaned over the bench and spoke to Mrs. Ferraro, who appeared ill. He immediately ordered a recess and dispatched the bailiffs in search of a conveyance. Later the jury returned a verdict for the defendant.

Gas Company Denies Hylan's Right to Sue

Insists Mayor Challenges Validity of Public Service Commission in His Attack on \$1.25 Rate

Cites Rulings of Courts

Contents Board Has No Reason to Entertain a Conjectural Complaint

Charging that Mayor Hylan does not claim to be a consumer of the company, and that he further denied the powers and challenged the validity of the existence of the Public Service Commission, the Consolidated Gas Company filed with the Public Service Commission yesterday its answer to the complaint made by the Mayor against the \$1.25 rate, in which he also asked the commission to hold hearings on the matter.

It is contended by the company that the commission has no jurisdiction or reason to entertain a complaint, which is tentatively, conditionally or conjecturally brought before it. It is urged that the company ought not to be subjected to the great labor and expense of preparing to defend itself against such a complaint. The company points out that any action of the commission will become null and void in the event the contentions of the Mayor are sustained by the court.

Denial is made that the City of New York or this Mayor may prosecute a complaint before the commission as to the rate charged to private consumers of gas, as it has been specifically held by the state and Federal courts that the city has no legal interest in air concern with the rates charged for gas supplied to consumers other than such municipality and no legal right to expend the money of taxpayers and the time of public officers last June in endeavoring to concern itself with gas rates.

The answer sets forth that these rulings of the courts have been made in actions involving both the Consolidated Gas Company and the Public Service Commission upon applications by the Mayor and the Corporation Counsel. The company says that the commissioning of a new hearing involves an unnecessary waste of the money of the taxpayers and the company, because the Public Service Commission commenced hearings last June as to the rates of this and other companies, and that these hearings have been in progress with the city's counsel and experts participating in them.

Denial is made that the Mayor charged that the company has been and is charging excessive rates. Similar answers were filed to the complaints filed by the Mayor against the New York Mutual Gas Light Company, the Standard Gas Light Company, the New Amsterdam Gas Company, the East River Gas Company of Long Island City, the Bronx Gas and Electric Company and the New York and Queens Gas Company.

Girl Killed, 4 Hurt, When Truck Plows Sidewalk Crowds

Driver Says He Swerved His Vehicle to Avoid Hitting Children; More Than Score of Persons Knocked Down

A six-year-old girl was killed and four other persons seriously hurt when an auto truck ran onto the sidewalk last night in Eighth Avenue, near Fourteenth Street. More than a score were knocked down and slightly hurt.

The truck was going south in Eighth Avenue shortly before 11 o'clock when the driver, John Hayes, twenty years old, appeared to lose control of his steering gear. The vehicle swerved and ran on the walk, which was crowded with persons leaving a motion picture theater.

Evlyn Rice, six years old, of 309 West Thirteenth Street, was picked up unconscious by Patrolman Michael O'Rourke, of Charles Street police station. She died at St. Vincent's Hospital a few minutes after admission.

The more seriously injured are Marie Otto, thirty-eight years old, 299 West Eleventh Street; Elizabeth Lewis, thirty-four, 235 West Seventeenth Street; Samuel Gert, eighteen, 444 West Fourth Street; and Henry Wetzel, fifty-three, of 271 West Eleventh Street. All were taken to St. Vincent's Hospital.

Witnesses said the truck ran fifty feet through pedestrians before taking to the road again. Fifteen or more slightly injured persons went to their homes without receiving medical care. Hayes was placed under arrest on a technical charge of homicide after his truck was seized at Charles Street station of the Rice child's death.

In a statement made to the police Hayes said he was driving at moderate speed when two children began crossing Eighth Avenue directly in front of the machine. He was startled by the danger of running them down, he said, and swerved his truck to one side, miscalculating the distance and leaving the roadway.

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Aged Woman Instantly Killed; Falls 4 Floors From Window

Mrs. Frances Spiegel, eighty years old, of 600 West 177th Street, was instantly killed yesterday when she fell from a window of her apartment on the fourth floor at that address.

The body of the aged woman struck a stone sidewalk, narrowly missing a group of small children at play. Relatives of Mrs. Spiegel said last night she had been in ill-health for some months. Death is believed to have been due to accident.

Storm Albany For Bus Plan, Hylan Exhorts

That the Proposed Bus Lines Were to be Operated Strictly on a Five-cent Fare. He Declared that the Bus Lines Would "Learn for the Taxpayers 15 per cent on their Investment"

The 3,500 buses provided for in the plan would serve the public better than the 3,500 trolley cars now in operation, the report stated, owing to the quicker and less interrupted movement of the motor bus. The trolley cars now in operation vary in capacity from thirty-one to fifty-two seats, and allowing an average of 50 seats, the total capacity would be 150,000. The 3,500 motor buses would have 122,500 seats, the report said, but the quicker movement of the buses would make this equivalent to 183,750 to 245,000 trolley seats.

The commissioner said it should be noted that the motor bus proposed and designed by the department is not similar to the "borrowed busses" now in operation, but would be superior to any bus yet operated in any city in this country.

As the first step in the city bus program, it is proposed to eliminate fifteen car routes in Manhattan. They are the Broadway-Seventh Avenue line; Ninth Avenue, Eighth Avenue, Sixth Avenue, Madison and Fourth avenues, Second Avenue, Avenue R, and the following cross-town lines: Eighty-sixth Street, Fifty-ninth Street, Forty-second Street, Forty-eighth Street, Third Street, Fourth Street, Eighth Street and Grand Street.

The report said that the removal of these surface lines would relieve the traffic congestion that exists at various important intersections of the city, principally at the junctions of the cross-town lines with the more important avenues.

Mayor Hylan summed up all opposition to the bus plan when he asked Commissioner Whalen if he didn't "see the little scheme."

"The little scheme," said the Mayor, "is to turn over to the city the trolley lines and then grab the bus franchises."

Bernard Sheppard, who said he represented Austin P. Fox, of the City Transit Company, Inc., which applied a year ago for a franchise to operate bus lines, asked permission to speak before the board, and to address the board on the subject of the city's plan to pick some of Commissioner Whalen's figures to pieces, contending that there was too much generosity with respect to the estimates for operation, maintenance, depreciation, etc.

He declared that the city should act cautiously if it meant that it was going to invest \$25,000,000 in something that would not net a return. The proposition being in the pioneer stage, he said, it would not be amiss to have it tried by private operators, who should be given a franchise for a limited term.

Board Kills Application. He said although the City Transit Company had made application for a franchise a year ago, the company had not turned over to the city the trolley lines. The board straightway took action by filing the application which is equivalent to killing it. Commissioner Whalen declared the City Transit Company was composed of trolley bus drivers on the Madison Street line, and that its capitalization was only \$500.